

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at the The Jeffrey Room, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Monday, 17 July 2017 at 5:00 pm.

D. Kennedy
Chief Executive

AGENDA

1. APOLOGIES
The Chair to note any apologies for absence.
2. MINUTES
The Standards Committee to approve the minutes of the meeting held on 20 March 2017.
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. RECRUITMENT OF PARISH COUNCILLOR(S) AND INDEPENDENT MEMBER(S) CO OPTees TO THE STANDARDS COMMITTEE
A verbal update to be given on the recruitment of Parish Councillor(s) and Independent Member(s) Co Optees to the Standards Committee.
7. GIFTS AND HOSPITALITY - DRAFT GUIDANCE FOR COUNCILLORS
Members to consider the Gifts and Hospitality – Draft Guidance for Councillors
8. EMPLOYEE'S CODE OF CONDUCT
Members to consider the Employee's Code of Conduct.
9. STANDARDS COMMITTEE WORK PLAN
The Standards Committee to consider its Work Plan
10. EXCLUSION OF PUBLIC AND PRESS

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

<TRAILER_SECTION>

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Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

Agenda Item 2

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 20 March 2017

PRESENT: Councillor Suresh Patel (Chair); Councillor Brian Oldham (Deputy Chair);
Councillors Andrew Kilbride and Les Marriott

1. APOLOGIES

Apologies for absence were received from Councillors Cathrine Russell and Michael Hill.

2. MINUTES

The minutes of the meeting held on 19 December 2016 were signed by the Chair as a true and accurate record.

3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

4. DECLARATIONS OF INTEREST

There were none.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

6. TERMS OF REFERENCE FOR THE STANDARDS WORKING GROUP (WORK PLAN)

The Standards Committee considered the draft Terms of Reference for the Standards Working Group (Work Plan). The Chair advised that the Standards Working Group (Work Plan) had considered the draft Terms of Reference in detail and agreed that it should be presented to the Standards Committee for approval.

Following approval of the Terms of Reference for the Standards Working Group (Work Plan), the Working Group could embark upon the work that it has been commissioned to undertake by the Standards Committee.

RESOLVED: That the Terms of Reference for the Standards Working Group (Work Plan) are approved.

7. WORK PLAN FOR THE STANDARDS COMMITTEE 2017/2018

The Standards Committee was asked to approve the draft 2017/2018 Standards Committee Work Plan.

It was noted that the establishment of a Work Plan would ensure that the Committee can meet all of its responsibilities and obligations during the year. It is seen as good practice for the Standards Committee to produce an annual Work Plan. The Chair advised that the Standards Working Group (Work Plan) had considered the draft Work Plan in detail and agreed that it should be presented to the Standards Committee for approval.

In response to a query, the Standards Committee was advised that the approval of a Work

Plan for the Standards Committee would not affect the responsibility or discretion of the Committee during the year, as the Committee could, at subsequent meetings, agree to update the Work Plan, if it is necessary to do so. The Committee suggested that the Work Plan is a standing agenda item at each meeting of the Standards Committee.

In answer to a query regarding the Standards regime, the Committee was advised that arrangements are in place and initial assessments are dealt with by the Monitoring Officer in consultation with one of the Council's statutory Independent Persons. The Scheme is a serious, lengthy, complicated process. It is robust. Plans are in place to look at the process to ascertain whether it could be made less lengthy. Complaints would only come before the Standards Committee if a complaint went to a Hearing following an investigation. Membership of the Hearings Panel would be drawn from the Standards Committee.

In answer to a query regarding the Independent Persons, the Committee heard that the Independent Person is normally "invisible" to the Committee. The Independent Person advise the Standards complaints process. It was suggested that when training is scheduled for the Standards Committee that the Independent Persons are invited to attend.

- AGREED:
- 1) That the Work Plan for the Standards Committee 2017/2018 be agreed.
 - 2) That the Work Plan for the Standards Committee 2017/2018 is a standing agenda item of every meeting of the Standards Committee.
 - 3) That the Working Group (Work Plan) commences on work in accordance with its Terms of Reference as identified on the Work Plan. The Working Group is required to input into these items and bring such items to the Standards Committee for consideration and decision as required.

8. REVIEW - WHISTLEBLOWING POLICY

The Standards Committee received the draft Whistleblowing Policy. The Standards Working Group (Work Plan), at its meeting on 2 March 2017, considered the broad principles of the draft Policy and agreed that Officers should further investigate the provision of an external organisation to provide a confidential hotline as part of the Whistleblowing Policy and that the draft Policy is presented to this Committee.

The Standards Working Group (Work Plan) agreed that it recommended the introduction of an external whistleblowing hotline.

- RESOLVED:
- 1) The Standards Committee recommends to Cabinet that the Council retains an external provider to operate an external whistleblowing hotline for the Council.
 - 2) The Standards Committee recommends to Cabinet that the draft Whistleblowing Policy and Procedure, as appended to the report, is approved.
 - 3) The Standards Committee recommends to Cabinet that upon the adoption of a new Whistleblowing Policy and Procedure, training on whistleblowing is provided to Councillors and Officers, alongside a campaign to raise awareness of whistleblowing arrangements.

9. PARISH COUNCILLORS AND INDEPENDENT MEMBERS

The Standards Committee was asked to consider the need to recruit Independent Members

and Parish Councillors for appointment to the Standards Committee.

The Committee was reminded of the Terms of Reference of the Standards Committee as set out in Article 10 of the Council's Constitution. There are currently two vacancies on the Committee for Parish Councillors and two vacancies on the Committee for Independent Members.

RESOLVED: That the Standards Committee instructs the Working Group (Work Plan) to:

- 1) Devise and conduct a process for the recruitment of two Parish Councillors and two Independent Members to be recommended for co-option onto the Standards Committee, and
- 2) Following conclusion of the process, the Working Group (Work Plan) brings recommendations to the Standards Committee for appointments by co-option of Parish Councillors and Independent Members of the Standards Committee.

10. TRAINING STRATEGY

The Standards Committee was asked to consider adopting a Training Strategy in relation to Ethical and Governance Matters for all Councillors.

The draft Training Strategy in relation to Ethical and Governance Matters was considered by the Standards Working Group (Work Plan) at its meeting on 2 March 2017. The Working Group felt that the draft Strategy was wide-ranging and supported all topics included within it. The Working Group asked that Councillor training on gifts and hospitality is programmed early in the Councillor Development Programme 2017/2018, in consultation with the Councillor Development Group.

In answer to a query, the definition of gifts and hospitality was provided.

- RESOLVED:
- 1) That the Training Strategy – Ethical and Governance Matters for all Councillors is approved.
 - 2) That The Borough Secretary is instructed to make arrangements for the delivery of training for Members in accordance with the Training Strategy in relation to Ethical and Governance Matters.

The meeting concluded at 5:32 pm

M8175

Appendices: 2



STANDARDS COMMITTEE REPORT

Report Title	Draft Gifts and Hospitality – Guidance for Councillors
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	17 July 2017
Policy Document:	No
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

- 1.1 The purpose of the report is to present the draft Gifts and Hospitality – Guidance to the Committee for its consideration and approval.
- 1.2 As detailed on the Work Plan, the Standards Working Group (Work Plan) is scheduled to consider, at its July 2017 meeting, a draft Gifts and Hospitality - Guidance for Councillors and recommend the Guidance to the Standards Committee for approval.

2 Recommendation

- 2.1 To approve the draft Gifts and Hospitality – Guidance for Councillors document at Appendix 1.
- 2.2 To note that the financial limit above which Councillors must declare the receipt of gifts and hospitalities is £50 which is consistent with the provisions of the Code of Conduct.

3. Issues and Choices

3.1 Report Background and Issues

- 3.1.1 In order to strengthen the Governance process at the Council, a number of documents and processes, such as the Guidance on Gifts and Hospitality for Councillors, are being reviewed and refreshed as appropriate.

- 3.1.2 The Standards Working Group, at its meeting on 3 July 2017 considered the draft Gifts and Hospitality – Guidance for Councillors. The Working Group provided comment and suggestions on the draft Gifts and Hospitality – Guidance for Councillors and agreed that the draft at Appendix 1 would be presented to the Standards Committee at its meeting on 17 July 2017 for approval.
- 3.1.3 Northampton Borough Council’s Members’ Code of Conduct (the Code) sets out that Councillors have a personal interest in any business of the Council where it relates to, or is likely to affect the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £50.
- 3.1.4 Councillors are required to register such gifts and hospitality by notifying the Monitoring Officer in writing by updating their Register of Gifts and Hospitalities Form. Failure to declare a personal interest is a breach of the Code of Conduct.
- 3.1.5 Although there is a financial limit for the declaration of gifts and hospitalities, the Guidance emphasises that regardless of the value, Councillors must first assess whether it is appropriate to accept the gift . The Guidance provides practical advice:

“The following principles should also be applied:

- *Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor*
- *Never accept a gift or hospitality if acceptance might be open to misinterpretation*
- *Never accept a gift or hospitality which puts you under improper obligation*
- *Never solicit a gift or hospitality”*

- 3.1.6 In accordance with the Work Plan of the Standards Committee, the Committee is scheduled to consider, at a later date, Northampton Borough Council’s Members’ Code of Conduct. Therefore at this point, more specific provision could be provided in the Code about gifts and hospitalities and the financial limit for declaring gifts and hospitalities could be considered by the Committee again.

3.2 Choices

- 3.2.1 Members are asked to approve the draft Gifts and Hospitality – Guidance for Councillors at Appendix 1 of this report.
- 3.2.2 Currently the Register of Gifts and Hospitality by Councillors form states that this form relates to gifts/hospitalities in excess of £25. It is therefore suggested that this form is updated, as attached at Appendix 2, to relate to gifts/hospitalities in excess of £50, which would be consistent with the Code.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This report does not have any direct policy implications.

4.2 Resources and Risk

4.2.1 This report does not have any direct resource implications.

4.3 Legal

4.3.1 This guidance notes that individuals can be fined, imprisoned, or both for offenses under the Bribery Act 2010..

4.4 Equality

4.4.1 There are no direct equality and diversity implications arising from this report.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 None.

5. Background Papers

5.1 Report and Appendix – Draft Gifts and Hospitality – Guidance for Councillors for the Standards Committee, Standards Working Group (Work Plan) – 3 July 2017.

Francis Fernandes
Borough Secretary and Monitoring Officer



Gifts and Hospitality - Guidance for Councillors

Introduction

Northampton Borough Council's Members' Code of Conduct sets out that you have a personal interest in any business of the Council where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50. You are required to register such gifts and hospitality by notifying the Monitoring Officer in writing by updating your Register of Interests Form. Failure to declare a personal interest is a breach of the Code of Conduct.

It is also a breach of the Code of Conduct for you to conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or for you to use or attempt to use your position as a Member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.

Further, the Code of Conduct is underpinned by the Nolan principles of public life, some of which are particularly relevant to the receipt and declaration of gifts and hospitality:

- **Integrity** – Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
- **Openness** – Members should be as open as possible about all the decisions and actions that they take.
- **Honesty** – Members should declare any private interests relating to their public duties and take any steps to resolve any conflicts arising in a way that protects the public interest.

You are therefore asked to declare to the Monitoring Officer in writing any gifts or hospitality with an estimated value of at least £50 that you have received in connection with your official duties as a Member.

The Bribery Act 2010 creates offences of bribing another person and of being bribed. In summary, the offences consist of promising, offering or giving, or, requesting, agreeing to receive or accepting an advantage (financial or otherwise) in circumstances involving the improper performance of a relevant function or activity. A relevant function for the Council's purposes is any function of a public nature, where there is an expectation that the function/activity is carried out in good faith, or an expectation that the function/activity is performed impartially, or where the person performing it is in a position of trust by virtue of performing it. Individuals can be fined or imprisoned, or both, for offences under the Bribery Act 2010.

This Guidance [which has been approved by the Standards Committee,] is intended to be broad to assist you to comply with your obligations and also to help you to avoid any situation where your integrity or objectivity might be called into question as a result of gifts and hospitality.

What do I need to do?

- **Register in writing with the Monitoring Officer any gifts or hospitality with an estimated value of £50 or more that you have received in connection with your official duties as a Member.**

This registration must be made on your general '*Register of Interests Form*' or on the separate '*Register of Gifts and Hospitality by Councillors Form*' which is available to download from the intranet:

(<https://intranet.northampton.gov.uk/wp-content/uploads/2016/02/REGISTER-OF-GIFTS-AND-HOSPITALITY-BY-COUNCILLORS1.doc>)

Any changes to your personal interests need to be notified to the Monitoring Officer within 28 days of the change. It is best though to get in the habit of registering your personal interests, including gifts and hospitality received as soon as possible.

Your Form should be returned to Democratic Services, who administer the Members' Register of Interests on behalf of the Monitoring Officer. Democratic Services will publish the information contained within your Form on your online Register of Interests, which is open to the public to view.

- If you are dealing with any Council business, (for example, you are part of a Council meeting), and you have a personal interest in that business, because it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 **and** you have **not** already declared that gift/hospitality to the Monitoring Officer on your Register of Interests, you must do so within 28 days. You should also declare your interest to the meeting.

Is the gift or hospitality connected to my official duties as a Member?

You are only required to register and declare gifts and hospitality that you have received in your official capacity as a Member of the Council. [The following are examples of when you are acting in your official capacity:

- When you conduct the Council's business
- When you conduct the business of the office of Councillor
- When you act as a formal representative of the Council on another body.]

You should ask yourself, would I have been offered this if I was not a Councillor? If you are in doubt, it is recommended that you register it or speak to the Monitoring Officer.

You do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. However, you should always register a gift or hospitality if it could be perceived as something given to you (or a member of your family) because of your position.

General guidance on accepting gifts and hospitality

Registering gifts or hospitality does not automatically mean that it is appropriate or advisable to accept them in the first place.

The need to consider whether it is appropriate to accept a gift or hospitality always applies, whatever the estimated value of the gift/hospitality is.

You should treat with extreme caution any offer of a gift, favour or hospitality that is made to you personally in your capacity as a Member of the Council. The person or organisation making the offer may be doing business or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

The appearance of impropriety can be just as damaging to the Council and to you as a Councillor, as actual impropriety. Therefore, a helpful question in deciding whether any gift or hospitality should be

accepted, is whether a member of the public knowing the facts, would think that you might be improperly influenced by the gift or hospitality.

The following principles should also be applied:

- Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor
- Never accept a gift or hospitality if acceptance might be open to misinterpretation
- Never accept a gift or hospitality which puts you under improper obligation
- Never solicit a gift or hospitality

Regardless of whether a gift or hospitality is above or below £50 in value, you must first consider whether it is **appropriate** for you to **accept** it at all. After you have considered whether it is appropriate for you to accept it, you then need to consider the requirements and guidance in relation to **registration** of the **gift / hospitality**.

Guidance - GIFTS

- A gift could be any item or service you receive free of charge, or which you are offered at a discounted rate or on terms not available to the general public.
- The general principle is that gifts should be refused. However, when deciding whether or not to accept an offer of a gift, the context is very important. An offer of a gift from a company seeking to do business with the Council is unlikely ever to be acceptable.
- Cash or monetary gifts should always be refused and the Monitoring Officer should be notified.
- The following are examples of gifts that **depending on the specific circumstances**, it might be appropriate to accept:
 - Token gifts with no or very low monetary value, (such as calendars, pens, mugs, key rings etc.) that are given to a wide range of people can be accepted and do not need to be declared. If you are in any doubt as to the classification of token gifts ask the Monitoring Officer.
 - Modest souvenir gifts with a value below £50 received from another Council or similar public body during a visit.
 - A modest gift given to you at Christmas by a constituent will generally be acceptable and could cause offence if returned.
- If you receive any unsolicited gifts where it is not appropriate to accept them, but it would be impracticable to return them, or where refusal in the circumstances would cause offence, you must as soon as practicable after receipt of the gift, pass it to the Monitoring Officer together with a written statement explaining where it came from and the circumstances. [An entry will be made on the Council's Register by the Monitoring Officer] and a letter will then be sent to the person or organisation thanking them for the gift and informing them that it has been donated to the Mayor's Charity.

Guidance – HOSPITALITY

- Hospitality is the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public. Common hospitality includes meals, refreshments, and tickets for cultural or sporting events.
- The general principle is that hospitality should ordinarily be refused other than on a modest scale.
- The following are examples of modest hospitality that **depending on the specific circumstances**, it might be appropriate to accept:

- Light refreshment in connection with any meeting in the ordinary course of your work, such as teas, coffees, biscuits, soft drinks, sandwiches etc.
- Civic hospitality provided by another authority.
- Hospitality through attendance at relevant conferences and courses where the hospitality is corporate rather than personal.
- A working meal provided to allow parties to discuss or to continue to discuss business.
- [Invitations to attend functions where you represent the Council (eg. at opening ceremonies or public speaking events)].
- Offers of complimentary or reduced price tickets for concerts, the theatre, or sporting events should be treated with caution and accepted only when these are part of the life of the community or where the Council should be seen to be represented. It is important to ensure that there is a proper reason for acceptance of hospitality and it is particularly important to consider how the public, when viewing your Register of Interests might perceive your acceptance of this type of hospitality. It is suggested the advice of the Monitoring Officer is sought before hospitality of this type is accepted.
- The following are examples of hospitality which it would **not** be appropriate to accept:
 - A holiday or business trip paid for by a business contact of the Council.
 - Use of a flat/hotel suite provided by a business contact of the Council.
 - Paid for corporate invites for evenings out or similar, with representatives from a company or organisation who have dealings with the Council, or who are likely to in the future.

Gifts and hospitality below the value of £50

You must always consider whether it is appropriate to accept a gift or hospitality, regardless of the value.

While gifts and hospitality with an estimated value of at least £50 **must** be registered, you **may** wish to declare the receipt of gifts and hospitality where the value is under £50.

While it may be appropriate to accept a token gift or gift of low value on one occasion, it is recommended that you should refuse repeated gifts from the same source, even if these are individually not of a significant value.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may have to estimate how much a gift or hospitality is worth, by considering how much you reasonably think it would cost a member of the public to buy the gift or provide the hospitality in question.

What do I need to do if I have declined a gift or hospitality?

It is recommended that you should register any offer of a gift or hospitality which you have declined, as this helps protect both your position and the Council's position.



**NORTHAMPTON BOROUGH
COUNCIL'S MEMBERS' CODE
OF CONDUCT**

REGISTER OF GIFTS AND HOSPITALITY BY COUNCILLORS

Name of Councillor:
Details of Gifts/Hospitality Received:
Estimated value where known: £.....
Name of person/organisation that gave/offered the gift/hospitality:
Reason for acceptance:
Date on which gift/hospitality was received:

SIGNED:

DATE:

Please note that a new entry must be made for each Gift/Hospitality received. This form applies to Gifts/Hospitality of value in excess of £50.

This form, once completed should be returned to Democratic Services at: democraticservices@northampton.gov.uk who will keep a copy for local reference. This will also be published on the internet under each Councillors 'Register of Interests'. The original will be forwarded to the Borough Secretary and Monitoring Officer.

Appendices: 2



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Updating the Employees' Code of Conduct
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	17 th July 2017
Policy Document:	Yes
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

The purpose of this report is to ask Standards Committee to consider and approve an updated version of the Employees' Code of Conduct following a recommendation made by the Standards Committee's Working Group.

2. Recommendations

It is recommended that Standards Committee:

- 2.1 consider and approve the draft updated Employees' Code of Conduct at Appendix 1;
- 2.2 delegate authority to the Borough Secretary and Monitoring Officer to make any necessary minor amendments to the Code of Conduct prior to its publication to all Council staff; and
- 2.3 note that MTUCM will be notified of the updated Employees' Code of Conduct.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Employees' Code of Conduct sets out the standards that the Council expects of its employees and aims to provide those who work for the Council with an effective ethical framework within which to operate.

- 3.1.2 The Standards Committee is responsible for “undertaking any action that improves, promotes, safeguards or facilitates the highest standard, of probity and ethical conduct by the Council, its Members and Officers”. A general review of the Employees’ Code of Conduct therefore falls within the remit of the Standards Committee.
- 3.1.3 The Employees’ Code of Conduct is due for review and has therefore been reviewed generally by officers, including review of the provisions in the Code relating to personal interests and gifts and hospitality. Following the review by officers, the Standards Committee’s Working Group considered the draft revised Code on 3rd July 2017 and recommended it to the Standards Committee for consideration and approval.
- 3.1.4 The draft revised version of the Employees’ Code of Conduct is attached as Appendix 1. This is the version considered and recommended by the Working Group to the Committee with one additional amendment (referring to the prevention of fraud). This amendment was made by the Monitoring Officer after the Working Group took place, to take account of further consultation with Council Officers.
- 3.1.5 For comparison purposes, the current version of the Employees’ Code of Conduct is at Appendix 2.

3.2 Issues

- 3.2.1 The main draft revisions that have been made to the Employees’ Code of Conduct at Appendix 1 are outlined below:
- a) The draft amendments widen the scope of the Code, so that the general principles contained within it apply to all staff engaged by the Council, and not just those who have the status of employee. Therefore, for example, it is now clear that the provisions relating to disclosure and registration of personal interests apply to interims, who may be carrying out relatively senior roles in the Council and who may not be employees. (Page 1).
 - b) The Code has been expressly linked to the Council’s Disciplinary Framework. It states that a serious failure to comply with any provisions of the Code may result in disciplinary action being taken. (Page 1).
 - c) Additional detail has been included in the section of the Code on declaration and registration of personal interests, to assist staff to understand the circumstances in which they may have a personal interest that should be declared and what their obligations are. (Page 4).

Further, a specific form (‘Form for Declaration of a Personal Interest by Council Staff’ – ‘Form DOPI’) has been introduced which any member of staff could use to declare a personal interest. (Page 8). There is already a form within the Code for Senior Officers to declare specified types of interest (Form ROI at Page 21), but the new form applies to a broader range of personal interests and is applicable to all staff.

- d) The section in the Code on anti-corruption has been strengthened to specifically address the issues of fraud and bribery and to refer to the need for all employees to take responsibility for preventing, detecting and reporting bribery and fraud. (Page 6-7). This addition has been made to ensure that the Council's commitment to prevention and detection of fraud is clear to all staff and to ensure that the Employees' Code of Conduct links to other Council documents in this respect, such as the Disciplinary Policy, which will cover fraud and bribery in the gross misconduct section. (The Disciplinary Policy will also state that a serious breach of the Employees' Code of Conduct is a gross misconduct matter).
- e) FORM ROI is the form that senior officers (ie. officers at Head of Service level and above) must use to identify specific types of financial and personal interests, which could potentially give rise to conflict with the Council's interests. The Monitoring Officer holds a register containing these forms.

An additional category of interest has provisionally been added to this Form ROI (see Page 24):

Any other personal or pecuniary (financial) interest that you have which could conflict with the Council's interests, or could potentially give rise to a concern about, or a perception of, bias or partiality in decision making or the working practices of the Council.

The purpose of this is to provide a 'catch all' category, in order that there is a place where Senior Officers can declare any other personal interests that they consider it would be appropriate to declare, but which do not fall within any of the other categories on Form ROI.

- 3.2.2 The Council's Governance Action Plan adopted by the Audit Committee in December 2016 included an action to review Officer hospitality policy and guidance and to publish guidance.
- 3.2.3 The Employees' Code of Conduct already contains guidance on the acceptance of hospitality by officers. The Code sets out the process officers should use to declare any hospitality and includes the relevant form. These parts of the Employees' Code of Conduct have been reviewed and remain unchanged save for inclusion of an amendment that expressly asks all Council staff to comply with these provisions (and not just those who are employees of the Council).
- 3.2.4 In accordance with the Governance Action Plan, it will be necessary to carry out a compliance audit in relation to parts of the Code relating to the registration of hospitality. In accordance with the Governance Action Plan staff will also receive training on the subject of receiving hospitality in connection with their work.
- 3.2.5 It is recommended that Standards Committee:
 - a) approve the draft updated Employees' Code of Conduct at Appendix 1;

- b) delegate authority to the Borough Secretary and Monitoring Officer to make any necessary minor amendments to the Code of Conduct prior to its publication to all Council staff; and
- c) note that MTUCM will be notified of the updated Employees' Code of Conduct.

3.3 Choices (Options)

3.3.1 Option 1

Approve the draft amended Employees' Code of Conduct at Appendix 1.

Option 2

Propose additional or alternative amendments to the Employees' Code of Conduct to those contained within Appendix 1.

Option 3

Choose to make no amendments and leave the Employees' Code of Conduct as it currently is (as in Appendix 2).

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 If the recommendations of this report are accepted, it will result in a change to the Employees' Code of Conduct, which incorporates Council policy on registration of personal interests and gifts and hospitality by Council staff.

4.2 Resources and Risk

- 4.2.1 There are no financial implications arising from the recommendations in this report.
- 4.2.2 The Employees' Code of Conduct is part of the overall governance framework of the Council. Having an up to date Code that is highlighted to all staff assists in ensuring that staff work to high standards of behaviour and ethical conduct, thus reducing the potential risks to the Council arising from unethical behaviour.

4.3 Legal

- 4.3.1 There are no legal implications arising directly from this report. The Employees' Code of Conduct does not form part of employees' contracts of employment. MTUCM will still be notified of the revised Code.

4.4 Equality and health

- 4.4.1 It is considered that there are no equality and health impacts arising directly from the proposed changes to the Code of Conduct.

4.5 Consultees (Internal and External)

4.5.1 Human Resources Department

4.5.2 Standards Working Group

4.6 Other Implications

4.6.1 None.

5. Background Papers

5.1 Report to Standards Committee Working Group (Work Plan) on 3rd July 2017 – *Draft revisions to the Employees' Code of Conduct.*

Francis Fernandes
Borough Secretary and Monitoring Officer



EMPLOYEES’* CODE OF CONDUCT

[2017]

* *For the purposes of this Code of Conduct, the term “employee” should be read widely. This Code applies to all employees, officers, workers, temporary staff, agency staff, locums, interims, [and consultants] engaged by the Council.*

EMPLOYEES' CODE OF CONDUCT

This Employees' Code of Conduct (the 'Code') sets out the standards that the Council expects of its employees. It aims to provide employees with an effective ethical framework in which to work and to give the citizens of the Borough of Northampton confidence that the Council's staff are working on their behalf in an appropriate manner.

A serious failure to comply with any of the provisions of this Code may result in disciplinary action being taken in accordance with the Council's Disciplinary Framework.

SCOPE

References to 'employees' and 'officers' in this Employees' Code of Code and associated forms should be read widely to include reference to all employees, officers, workers, temporary staff, agency staff, locums, interims, and consultants.

Part 1 – APPLIES TO ALL EMPLOYEES

CORE VALUES

The following core values in Part 1 of this Code will apply to all employees of the Council.

General principles

The public are entitled to expect the highest standards of conduct from all Council employees. Council employees must perform their duties to the best of their abilities with integrity, honesty, impartiality and objectivity and contribute to the maintenance of high standards in public service. Employees must at all times act in accordance with the trust that the public is entitled to place in them.

Honesty and Integrity

Council employees must declare any private interests relating to their duties as an employee of the Council and take all steps to resolve any conflicts arising in a way that protects the public interest.

Council employees should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Council employees must not use their position improperly to confer on or secure for themselves or any other person an advantage or disadvantage.

In all cases it is not enough to avoid actual impropriety. Council employees should at all times do their utmost to avoid any occasion for suspicion and any appearance of improper conduct which would bring the reputation of the Council into disrepute.

Accountability

Employees work for the Council and serve the whole of the authority. They are accountable to and owe a duty to the Council. Employees must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

Council employees, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

Employees serve the authority as a whole. It follows that they must serve all Members and not just those of the controlling group, and must ensure the individual rights of all Members are respected.

Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989, although politically restricted, do by the nature of their posts support only one group of the Council's Members. Therefore, a strict duty of political neutrality cannot be practically applied to political assistants given the nature of the role.

Respect

Mutual respect between Council employees and Members is essential to good local government and working relationships should be kept on a professional basis.

Employees should deal with the public, Members and other employees sympathetically, efficiently and without bias.

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

Equality

Council employees must comply with all policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.

All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Stewardship

Council employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local

community and to avoid legal challenge to the Council. Employees must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

Council employees must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Section 117 of the Local Government Act 1972 requires employees to make a formal declaration about any contract in which they have a pecuniary (financial) interest that has been, or is proposed to be entered into by the Council. It is a criminal offence to fail to comply with the provision. Employees must also declare to an appropriate manager** any financial or non-financial interests or any interest or association with any Council activity, that they consider could bring about a potential conflict with the Council's interests.

Therefore, employees who currently have or who have previously had a relationship in a business, private or domestic capacity with external contractors or potential contractors should declare that relationship to the appropriate manager**.

Similarly, if you or any person living with you, or any member of your family or a personal friend have any interest in a business which has a business relationship with the Council or which is a potential business partner of the Council, or have any interest in a contract/agreement or a potential contract/agreement with the Council, this should be declared. Employees should declare to an appropriate manager** membership of any organisation not open to the public without formal membership and commitment of allegiance, and which has secrecy about rules of membership or conduct.

'Form DOPI', (Declaration of a Personal Interest) which is at Schedule 1 should be used to declare such interests.

Employees should abide by the rules of the Council regarding the declaration of gifts offered to or received by them from any person or body seeking to do business with the authority or which would benefit from a relationship with the Council. In particular, employees should be aware of the need to make appropriate entries in the Council's Officers' Register of Gifts and Hospitality (which is at Schedule 2 as 'Form OGH').

Employees must not make official professional decisions about matters in which they have personal involvement.

After you have identified and declared a personal interest, when that personal interest is or becomes an interest in any matter that the Council is dealing with, or is involved in, you should ensure that you do **not** participate in decision making or otherwise take any actions in relation to that matter, due to the conflict of interest or potential for a conflict of interest or allegations of partiality in decision making to arise. The only exception to this is if your Head of Service or (in the case of Senior Officers), the Monitoring Officer agrees that you may continue to perform your normal duties, (eg. if the conflict is so minor that it can just be noted and the situation monitored).

****** For employees below Head of Service level, the appropriate manager is your Head of Service.

For employees at Head of Service level and above, the appropriate manager is the Monitoring Officer, but your declaration should be sent to Democratic Services who will store such declarations on behalf of the Monitoring Officer. The Monitoring Officer's own declarations will be made to the Chief Executive.

Additional requirements in relation to declaring personal interests apply to Senior Officers (Officers at Head of Service level and above) and are set out in Part 2 of this Code. There is no need to declare on Form DOPI anything that has already been declared in accordance with Part 2 of this Code. Form DOPI could be used by a Senior Officer to declare an interest that has arisen in relation to a specific piece of work they are involved in, and that would not fall into any of the categories of interest that Senior Officers are required to declare under Part 2 of this Code.

Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 and with the Council's Whistleblowing Policy and Procedure (the confidential reporting procedure) which can be found on the intranet.

Treatment of Information

Openness in the distribution of information and decision-making is the norm in the way the Council functions. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a relevant Member, Council employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Member which is personal to that Member and does not belong to the Council should not be divulged by the employee without the prior approval of that Member, except where such disclosure is required or sanctioned by the law.

Appointment of staff and other employment matters

Employees of the Council, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or

prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee to whom they are related or with whom they have a close personal relationship outside work.

Investigations by the Monitoring Officer

Where the Monitoring Officer (or a person appointed by the Monitoring Officer) is undertaking an investigation in relation to Member conduct in accordance with arrangements adopted by the Council pursuant to the Localism Act 2011, employees must comply with any requirement made by the Monitoring Officer or his/her appointee in connection with such an investigation.

Patentable Designs and Inventions

Any Council employee who proposes to take out a patent for an invention shall, after obtaining provisional protection, send particulars thereof to the Chief Executive for submission to the appropriate Committee of the Council before taking any further steps.

Where the appropriate Committee is of the opinion that the invention is connected with the official work performed at any time by the employee or service concerned, permission to take out a patent will, if granted, be subject to such conditions as to its use as may be imposed. These conditions shall include the right of the Council to use the patent for all time without the payment of any fees or royalties whatsoever, but may provide for the payment of a grant, honorarium, or other monetary reward to the employee concerned.

Where, on the other hand, the Committee is of the opinion that the invention is in no way connected with the official work performed at any time by the employee concerned, no permission on the part of the Council will be necessary.

It is not desirable that patents should be taken out by employees of the Council whose duty it is to devise improvements or to examine and report upon the suggestions of others.

Secondary Employment

Employees may not without the written permission of the Chief Executive engage in any business or paid or unpaid employment other than that for which they are employed by the Council. Permission is generally given unless such business or paid employment conflicts with or reacts detrimentally to the Council's interests or in any way weakens public confidence in the conduct of the Council's business.

Corruption and Fraud

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. Staff must not seek to obtain pecuniary reward for themselves or others by inappropriate actions and must not make false records or statements, or abuse financial authority.

All employees are required to avoid any activity that might lead to or suggest a breach of the Bribery Act 2010. The prevention, detection and reporting of bribery and fraud is the responsibility of all those working for the Council.

Tendering

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor .

Employees must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Orders and contracts must be awarded on merit by fair competition against other tenders. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to business run by them or employing them in a senior or relevant managerial capacity.

Sponsorship – Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Part 2 – APPLIES TO SENIOR EMPLOYEES ONLY

This Part 2 of the Code applies only to senior employees of the Council. For the purposes of this Code, a 'senior employee' is any employee of who is at Head of Service level or above. Any employee who is uncertain as to whether they are a "senior employee" for the purposes of this Code must consult the Monitoring Officer.

REGISTER OF OFFICER INTERESTS

Senior employees of the Council must complete and maintain the Register of Officer Interests, which is at Schedule 3 ('Form ROI'). The purpose of compiling this register is to give assurance that the qualifying employee is acting transparently and to prevent accusations of partiality in decision-making by the employee concerned.

Form for Declaration of a Personal Interest by Council Staff

Any member of staff can use this form to declare a personal interest.

Please refer to the Employees' Code of Conduct for further information about declaring personal interests.

Name.	
Job Title.	
Department.	
Description of any personal interest which you consider creates, has the potential to create or could lead to a perception of a conflict of interest between your interests and those of the Council.	
Details of any other type of interest that you wish to declare.	

Once completed, please pass this form to your Head of Service for recording and retention.

If you are at Head of Service level or above, please pass this form to Democratic Services who will record and retain the form on behalf of the Monitoring Officer. (The Monitoring Officer will make any declarations to the Chief Executive).

Signature of Officer:

Date:

Signature of Head of Service / Democratic Services Manager / Chief Executive:
(Delete as appropriate)

Print Name:

Date:



NORTHAMPTON
BOROUGH COUNCIL

SCHEDULE 2

OFFICERS' * REGISTER OF GIFTS AND HOSPITALITY GUIDANCE

** References to officers and employees in this Guidance and associated form OGH should be read widely to include reference to all employees, officers, workers, temporary staff, agency staff, locums, interims, and consultants.*

OFFICERS' REGISTER OF GIFTS AND HOSPITALITY – GUIDANCE

Why do we need a Register of Gifts and Hospitality?

Many Council employees have dealings with people outside the Council, particularly members of the public, suppliers, contractors and other private organisations.

It is essential that Council employees adhere to the overriding principle that they should not compromise their position as public service workers by accepting gifts and/or hospitality and allowing themselves to reach the position where they might be, or might be thought by others, to have been influenced in making an important decision as a consequence or might be open to allegations of corruption or acting improperly. As acceptance of gifts and hospitality could be seen to compromise an employee's personal judgment or integrity, it is important for the Council to have clear guidance governing this area.

General guidance on accepting gifts and hospitality

You should treat with extreme caution any offer of a gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

However, certain senior jobs, by their very nature require officers to accept gifts and hospitality. This would be where, for example, senior officers were acting in an authorised capacity representing the Council at an event. In such circumstances it is permissible to accept gifts and hospitality subject to registering these if their value is or is likely to be in excess of £25.00.

A helpful question in deciding whether any gift or hospitality should be accepted is whether a member of the public, knowing the facts, would think that you might be improperly influenced by the gift or hospitality.

If you have any doubts about any particular situation, you should always consult your Line Manager, Supervisor or the Monitoring Officer before accepting anything.

GIFTS

Accepting gifts

The general principle is that gifts offered should be refused.

However, when deciding whether or not to accept an offer of a gift, the context is very important. An offer from a company seeking to do business with the Council made to an employee involved in letting a contract is unlikely ever to be acceptable, regardless of the value of the gift. Further, money as payment for services provided whilst undertaking duties for the Council must never be accepted. (Receipt of money in such circumstances may be a criminal offence and will certainly result in disciplinary action. Tips should also be refused).

By contrast, a gift given at Christmas by a service user as a gesture of appreciation to an employee will generally be acceptable and could cause offence if returned. Further, it will usually be acceptable to receive promotional material of token value such as desk diaries, mouse mats, mugs, key rings, calendars or pens.

Registering Gifts

You are only required to formally register a gift if its value is £25.00 or more. However, before accepting any gifts **even where their value is less than £25.00** you are advised to seek your Line Manager's or Supervisor's guidance on whether the gift should be accepted. If need be, your Line Manager or Supervisor will check the position with the Monitoring Officer.

In order to register a gift you must complete the form in Appendix A, ('Form OGH').

With the exception of employees at Head of Service level or above (see below), all employees must send the completed Form OGH to their Head of Service who will maintain a register in relation to employees below them.

All employees at Head of Service level or above must send the completed Form OGH to Democratic Services, where a register is held on behalf of the Monitoring Officer in relation to senior employees.

HOSPITALITY

Accepting hospitality

The general principle is that hospitality should ordinarily be refused other than on a modest scale.

Hospitality should generally only be accepted if there is a genuine need to impart information or represent the Council in the local community.

Examples of hospitality which can be accepted are:

- refreshments or a meal given during or at the conclusion of business
- an invitation to a Society or Institute dinner

Examples of hospitality which are not acceptable are:

- a holiday or business trip paid for by business contacts
- use of a company flat/hotel suite

In cases where accepting hospitality is appropriate, you must inform your Line Manager or Supervisor in advance in order to avoid any later misunderstanding. Further, when receiving authorised hospitality, you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Offers of free hotel accommodation and tickets for concerts or sporting events should be treated with caution and accepted only when these are part of the life of the community or where the Council should be seen to be represented. However, if it is appropriate to accept these and if their value is or is likely to be in excess of £25.00, then, they will need to be declared. These will invariably be valued substantially in excess of £25.00 and you must record why such hospitality has been accepted.

Acceptance of hospitality through attendance at relevant conferences and courses will generally be acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc are required, you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

If in doubt, any offer of hospitality should be declined. When hospitality has to be declined, those making the offer should be courteously but firmly informed of this Council policy and the standards operating within the Council.

Registering Hospitality

All hospitality that is valued at £25.00 or more must be registered, together with the reason for accepting it by completing the form in Appendix A, ('Form OGH').

With the exception of employees at Head of Service level or above (see below), all employees must send the completed Form OGH to their Head of Service who will maintain a register in relation to employees below them.

All employees at Head of Service level or above must send the completed Form OGH to Democratic Services, where a register is held on behalf of the Monitoring Officer in relation to senior employees.

If you are concerned about a particular gift or offer of hospitality, you should obtain advice on the operation of this guidance from the Monitoring Officer, Francis Fernandes (ext 7334).

Form for Registration of Gifts and Hospitality by Officers*

* Any member of staff, including employees, officers, workers, temporary staff, agency staff, locums, interims, and consultants engaged by the Council can use this Form to declare gifts or hospitality.

N.B. ONLY COMPLETE THIS FORM IF THE VALUE OF GIFTS OR HOSPITALITY IS VALUED AT £25 OR MORE

<ul style="list-style-type: none"> • Name • Position • Department: 		
Gift or Hospitality?	GIFT	HOSPITALITY
Description and estimated value (where known) of gift / hospitality:		
Name and address of person/ organisation that gave / offered the gift /hospitality:		
Reason for acceptance:		
Date on which gift or hospitality was received:		

With the exception of staff at Head of Service level or above (see below), all staff must send the completed form by e-mail to their Head of Service who will maintain a register in relation to staff below them.

All staff at Head of Service level or above must send the completed form to Democratic Services by e-mail to democraticservices@northampton.gov.uk, who will maintain a register on behalf of the Monitoring Officer.

Signed:
 Head of Service / Democratic Services Manager
 on behalf of Monitoring Officer (*Delete as appropriate*)

Print Name:

Date form received:



NORTHAMPTON
BOROUGH COUNCIL

SCHEDULE 3

REGISTER OF OFFICER* INTERESTS GUIDANCE

* **Only** applies to staff at Head of Service level and above, (and includes temporary staff, locums and interims at this level).

GUIDANCE

REGISTER OF OFFICER INTERESTS

Introduction

Officers at Head of Service level and above are required to complete the form entitled 'Declaration by an Officer of Financial and Other Personal Interests' (**Form ROI**). The completed Form ROIs together form the Council's Register of Officer Interests.

Why have a Register of Officer interests?

The purpose of the Register of Officer Interests is to identify any financial and other personal interests you have which might conflict with the Council's interests. The types of interests that you are asked to register on Form ROI are those which could potentially give rise to concerns of partiality in decision making and the working practices of the Council.

The Register of Officer Interests is held by the Monitoring Officer. It is not Council policy to publish this information.

The different categories of interest

(1) Details of any employment or other work in addition to your employment with the Council

You should state any employment, office, trade, profession, business or activity. You should include both income generating and unpaid/voluntary activities in this category.

If you are employed by a company, give the name of the company paying your wages, not that of the ultimate holding company.

This category does not cover unearned income (from property or investments) unless you play an active role in the management of those assets.

Lengthy or detailed descriptions are not required here as the purpose of the entry is to identify the interest. The job title will normally be sufficient to identify the nature of your employment. A brief description of the nature of a business will also be acceptable.

(2) Names of any businesses you own or which you have a share in, where that shareholding is greater than £25,000, or your stake is more than one hundredth of the value or share capital of the company

You should list the names of any companies or other bodies and in which you have a substantial interest. You need not show the extent of your interest.

What is meant by a shareholding greater than £25,000?

The value of your shareholding in a company refers to the total nominal value of the shares that you own.

What does nominal value mean?

The nominal value of a share usually means its face value ie. the value stated on the share certificate itself. (This contrasts with its market value, which can often be considerably more, but may be less).

A nominal value of more than £25,000 is set for the inclusion of shareholdings in the Register of Officer Interests. This is a relatively high threshold. Therefore if you hold a small number of shares in a large public company of the kind that results from a privatisation issue, or a building society becoming a company, you are unlikely to need to register them. However, please see the guidance below on the alternative criteria (ie. more than one hundredth of the share capital) which offsets this high threshold considerably.

What is meant by a stake of more than one hundredth of the value or share capital of the company?

The term 'share capital' refers to the nominal value of all the shares of the company that are in issue at any point in time. Therefore, if a company has issued 1000 £1 shares, it has a share capital of £1000 and you would therefore have a 1/100th stake of the share capital of the company if you owned 10 shares.

Therefore, comparatively modest shareholdings in smaller companies will be caught by this requirement.

What are securities?

Any other significant class of securities in relation to relevant businesses should also be listed under this heading. The term class of securities includes any instrument such as a stock, bond or option that indicates some form of ownership rights or creditor relationship with a particular body. (In practice, shares are the most commonly encountered form of securities).

What is meant by "beneficial interest"?

A beneficial interest is one where the owner of the interest is entitled to benefit from the asset concerned. Such an interest can arise directly through the legal ownership of an asset, or indirectly where you are the beneficiary of a trust.

(3) Description of any contracts for goods, services or works between:

- **the Council and you;**
- **the Council and any firm in which you are a partner; and**
- **the Council and any business which you have an interest in as in category (2) above**

How much detail is required by the description of "any contracts"?

Enough detail should be given to identify the contract, such as the date and a brief description of the goods, services or works being contracted for.

There is no requirement to state the value of the contract or its terms but you should state the duration of the contract.

(4) Address (or other description sufficient to identify the location) of any land or property in the Council’s area in which you have a beneficial interest

If you live in the Council’s area, you should include your home under this heading if you are an owner, lessee or tenant.

Sufficient detail should be given to identify the land in question. An address and, where the address is not sufficient, a field number or map reference will usually meet the requirement. A plan identifying the land may be useful in some situations but is not a requirement.

What is meant by “beneficial interest”?

A beneficial interest is one where the owner of the interest is entitled to benefit from the asset concerned. Such an interest can arise directly through the legal ownership of an asset, or indirectly where you are the beneficiary of a trust.

(5) Address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is:

- a firm in which you are a partner;
- a company of which you are a remunerated director; or
- a business which you have an interest in as in category (2) above

Do you have to register the landholdings of your employers or bodies you have shareholdings in?

No. There is no requirement to list the landholdings of companies or corporate bodies included in the register. The only requirement is to register any **tenancy between such bodies and the Council**.

You are only expected to register those tenancies you ought reasonably to be aware of.

(6) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power)

What is meant by a “body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” is wide in scope and covers more than public authorities.

A function will usually be “of a public nature” where it is underpinned by statute or government. Although it is not possible to produce an exhaustive list of such bodies, here are some criteria to consider when deciding whether or not a body meets that definition:

- Does the body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function?
- Is the body (including one providing outsourced services in the private sector) exercising a function delegated to it by a public authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

Unless you can answer “yes” to one of the above questions, it is unlikely that the body is exercising functions of a public nature.

Examples of bodies included in this definition are:

- regional and local development agencies
- other government agencies
- other councils
- public health bodies
- council-owned companies exercising public functions
- arms length management organisations carrying out housing functions on behalf of a public authority
- school governing bodies

(7) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes.

What is meant by a “body directed to charitable purposes”?

The reference to a “body directed to charitable purposes” is intended to cover more than organisations that fall within the legal definition of a charity. Any organisation directed towards charitable purposes (as the term is commonly understood), to any significant degree, comes within the scope of these words. Therefore, membership of Rotary or Lions clubs are likely to require registration.

Is membership of the Freemasons included?

Some but not all Masonic organisations are registered charities with the Charity Commission. Membership of those that are registered clearly falls within the scope of this provision.

However, the reference to any body “directed to charitable purposes” also covers organisations not falling within the legal definition of a charity. Ultimately you must judge the matter for yourself, however, it seems that many Masonic organisations will fall within the scope of this provision. The United Grand Lodge of England describes Freemasonry as, “...one of the world’s largest non-religious, non-political, fraternal and charitable organisations”.

(8) I am a member or hold a position of general control or management of the following body/ies, whose principal purposes include the influence of public opinion or policy.

Is membership of religious organisations included?

Generally religious organisations will not fall within the scope of this category.

The principal purpose of most religious organisations is to provide a focus for religious worship and the common life of the particular faith community that the organisation serves. The influence of public opinion is normally not a principal purpose.

Likewise, although a religion may encourage charitable virtues, this will not make it a body directed to charitable purposes. However, you should register your religious organisation if one of its principal purposes is to influence public opinion or policy. Similarly, it will need to be registered if it is a registered charity or directed to charitable purposes.

(9) I hold a position of general control or management of the following trade union(s) or professional association(s)

The following are examples of professional organisations:

- Royal Institute of Chartered Surveyors
- Institute of Chartered Accountants in England and Wales
- Chartered Institute of Public Finance and Accountancy
- The Law Society

Please note there is no need to declare membership of a trade union or professional association. You only need to declare an interest where you are in a position of general control or management.

(10) I hold a position of general control or management of the following body/ies

You should detail your membership of or position of general control or management of any body which you have not registered under any of the preceding paragraphs. (You should include brief details of what the nature of your involvement is eg. member or manager).

Please note that you only need to declare an interest where you are in a position of general control or management. There is no need to declare an interest simply because you are a member of a certain body.

(11) Relationships with Northampton Borough Councillors

If a Northampton Borough Councillor is a member of your family or a close associate, you should state that relationship here.

Who is classed as a “member of your family”?

A member of your family should be given a very wide meaning. It includes:

- a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity)
- a parent
- a parent-in-law
- a son or daughter
- a stepson or stepdaughter
- the child of a partner
- a brother or sister
- a brother or sister of your partner
- a grandparent
- a grandchild
- an uncle or aunt
- a nephew or niece
- the partners of any of the people above

In this context, a “member of your family” should be interpreted widely enough to cover anybody related to you by birth, marriage or civil partnership.

What is a “close associate”?

The term “close associate” should also be interpreted broadly.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time, who is more than an acquaintance.

A close associate may be a friend, a colleague, a business associate or someone with whom you know through general social contacts. A closer relationship is implied than mere acquaintance.

A level of relationship above and beyond that which usually exists between colleagues will be required to establish the existence of a close association.

(12) Any other personal or pecuniary (financial) interest that you have which could conflict with the Council’s interests, or could potentially give rise to a concern about, or a perception of, bias or partiality in decision making or the working practices of the Council.

This category should be used to declare any other personal or pecuniary interest you have that you feel you should declare, but would not fit into any of the other categories of interest.

If you have any queries about completing Form ROI, please consult the Monitoring Officer, Francis Fernandes, (ext: 7334, e-mail: ffernandes@northampton.gov.uk).

FORM ROI



REGISTER OF OFFICER INTERESTS

Name of Officer:

This form must be completed by the Chief Executive, and all Directors and Heads of Service (including interims/temporary staff at these levels of the organisation) within 28 days of appointment and thereafter at least annually. Completion of this form is a requirement of the Employees' Code of Conduct.

Within 28 days of any change to your interests occurring, you must send an e-mail confirming the changes to the Democratic Services Manager, at:

democraticservices@northampton.gov.uk.

I certify that I have not:

- (1) omitted information that ought to be given on this register; or
- (2) provided information that is intentionally false or misleading

and I recognise that I am obliged to give further notices in order to:

- bring up to date information given in this notice; and
- declare an interest that I acquire after the date of this notice and am obliged to declare **within 28 days of any such change.**

Signed:

Date:

Once completed, this form must be sent to the Monitoring Officer, **care of the** Democratic Services Manager, the Guildhall in a sealed envelope marked 'Strictly Private and Confidential'.

Received by:

Date:

FORM ROI

Declaration by an Officer of Financial and Other Personal Interests

- *Please note that you must make a 'nil' return if you have no interests to declare*
- *If you have any queries about filling in this form, please ask the Monitoring Officer (Francis Fernandes, extension: 7334) for guidance.*

(1) **Details of any employment or other work in addition to your employment with the Council**

(If you are an employee, you should give the name of your employer below. Where you hold an office, please give below the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you).

(2) **Names of any businesses you own or which you have a share in, where that shareholding is greater than £25,000, or your stake is more than one hundredth of the value or share capital of the company**

(Please include any such interests that are held in the name of other people, in which you have a beneficial interest, for example, shares that are held in the name of someone other than you as trustee on trust for your benefit).

(3) **Description of any contracts for goods, services or works between:**

- **the Council and you;**
- **the Council and any firm in which you are a partner; and**
- **the Council and any business which you have an interest in as in category (2) above**

(Please note that your contract of employment with the Council does not need to be included).

(4) Address (or other description sufficient to identify the location) of any land or property in the Council’s area in which you have a beneficial interest

- (a) You should include all land in the Council’s area in which you have a beneficial interest, that is, in which you have some proprietary interest for your own benefit, for example land which you own or have a leasehold interest in.*
- (b) You should also include any property in the Council’s area from which you receive rent, or of which you are the mortgagee (lender).*
- (c) “Land” includes any buildings or parts of buildings).*

(5) Address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is:

- a firm in which you are a partner;
- a company of which you are a remunerated director; or
- a business which you have an interest in as in category (2) above.

(Please note that “land” includes any buildings or parts of buildings).

(6) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).

(7) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes.

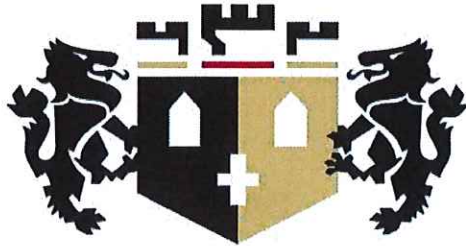
- (8) I am a member or hold a position of general control or management of the following body/ies, whose principal purposes include the influence of public opinion or policy

- (9) I hold a position of general control or management of the following trade union(s) or professional association(s)

- (10) I hold a position of general control or management of the following body/ies

- (11) Relationships with Northampton Borough Councillors

- (12) Any other personal or pecuniary (financial) interest that you have which could conflict with the Council's interests, or could potentially give rise to a concern about, or a perception of, bias or partiality in decision making or the working practices of the Council.



NORTHAMPTON
BOROUGH COUNCIL

EMPLOYEES' CODE OF CONDUCT

June 2010

(Consolidates Council's 1995 Official Conduct Policy)

EMPLOYEES' CODE OF CONDUCT

This Employees' Code of Conduct (the 'Code') sets out the standards that the Council expects of its employees. It aims to provide employees with an effective ethical framework in which to work and to give the citizens of the Borough of Northampton confidence that the Council's staff is working on their behalf in an appropriate manner.

Part 1

CORE VALUES

The following core values in Part 1 of this Code will apply to all employees of the Council.

General principles

The public are entitled to expect the highest standards of conduct from all Council employees. Council employees must perform their duties to the best of their abilities with integrity, honesty, impartiality and objectivity and contribute to the maintenance of high standards in public service. Employees must at all times act in accordance with the trust that the public is entitled to place in them.

Honesty and Integrity

Council employees must declare any private interests relating to their duties as an employee of the Council and take all steps to resolve any conflicts arising in a way that protects the public interest.

Council employees should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Council employees must not use their position improperly to confer on or secure for themselves or any other person an advantage or disadvantage.

In all cases it is not enough to avoid actual impropriety. Council employees should at all times do their utmost to avoid any occasion for suspicion and any appearance of improper conduct which would bring the reputation of the Council into disrepute.

Accountability

Employees work for the Council and serve the whole of the authority. They are accountable to and owe a duty to the Council. Employees must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

Council employees, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

Employees serve the authority as a whole. It follows that they must serve all members and not just those of the controlling group, and must ensure the individual rights of all members are respected.

Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989, although politically restricted, do by the nature of their posts support only one group of the Council's members. Therefore, a strict duty of political neutrality cannot be practically applied to political assistants given the nature of the role.

Respect

Mutual respect between Council employees and members is essential to good local government and working relationships should be kept on a professional basis.

Employees should deal with the public, members and other employees sympathetically, efficiently and without bias.

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

Equality

Council employees must comply with all policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.

All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Stewardship

Council employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council. Employees must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

Council employees must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in

the course of their employment to further their private interest or the interests of others.

Section 117 of the Local Government Act 1972 requires employees to make a formal declaration about contracts with the Council in which they have a pecuniary (financial) interest. It is a criminal offence to fail to comply with the provision.

Employees must not make official professional decisions about matters in which they have personal involvement.

Employees must also declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the Council's interests.

Therefore, employees who currently have or who have previously had a relationship in a business, private or domestic capacity with external contractors or potential contractors should declare that relationship to the appropriate manager.

Employees should abide by the rules of the Council regarding the declaration of gifts offered to or received by them from any person or body seeking to do business with the authority or which would benefit from a relationship with the Council. In particular, employees should be aware of the need to make appropriate entries in the Council's Officers' Register of Gifts and Hospitality (which is at Schedule 1 as 'Form OGH').

Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance, and which has secrecy about rules of membership or conduct.

Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 and with the Council's Confidential Reporting Procedure (whistleblowing) which can be found on the intranet.

Treatment of Information

Openness in the distribution of information and decision-making is the norm in the way the Council functions. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant Council employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a member which is personal to that member and does not belong to the Council should not be divulged by the employee without the prior approval of that member, except where such disclosure is required or sanctioned by the law.

Appointment of staff and other employment matters

Employees of the Council, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee to whom they are related or with whom they have a close personal relationship outside work.

Investigations by the Monitoring Officer

Where the monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

Patentable Designs and Inventions

Any Council employee who proposes to take out a patent for an invention shall, after obtaining provisional protection, send particulars thereof to the Chief Executive for submission to the appropriate Committee of the Council before taking any further steps.

Where the appropriate Committee is of the opinion that the invention is connected with the official work performed at any time by the employee or service concerned, permission to take out a patent will, if granted, be subject to such conditions as to its use as may be imposed. These conditions shall include the right of the Council to use the patent for all time without the payment of any fees or royalties whatsoever, but may provide for the payment of a grant, honorarium, or other monetary reward to the employee concerned.

Where, on the other hand, the Committee is of the opinion that the invention is in no way connected with the official work performed at any time by the employee concerned, no permission on the part of the Council will be necessary.

It is not desirable that patents should be taken out by employees of the Council whose duty it is to devise improvements or to examine and report upon the suggestions of others.

Secondary Employment

Employees may not without the written permission of the Chief Executive engage in any business or paid or unpaid employment other than that for which they are employed by the Council. Permission is generally given unless such business or paid employment conflicts with or reacts detrimentally to the Council's interests or in any way weakens public confidence in the conduct of the Council's business.

Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing

favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

Separation of Roles During Tendering

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

Orders and contracts must be awarded on merit by fair competition against other tenders. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to business run by them or employing them in a senior or relevant managerial capacity.

Sponsorship – Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

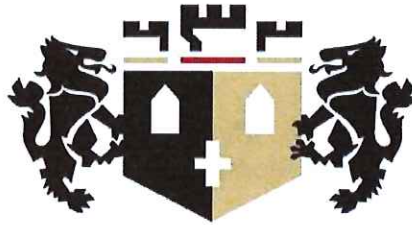
Part 2

SENIOR EMPLOYEES

This Part 2 of the Code applies only to senior employees of the Council. For the purposes of this Code, a 'senior employee' is any employee of who is at head of service level or above.

Any employee who is uncertain as to whether they are a "senior employee" for the purposes of this Code must consult the Monitoring Officer.

Senior employees of the Council must complete and maintain the Register of Officer Interests, which is at Schedule 2 ('Form ROI'). The purpose of compiling this register is to give assurance that the qualifying employee is acting transparently and to prevent accusations of partiality in decision-making by the employee concerned.



NORTHAMPTON
BOROUGH COUNCIL

SCHEDULE 1

**OFFICERS' REGISTER OF GIFTS AND
HOSPITALITY
GUIDANCE**

June 2010

REGISTER OF GIFTS AND HOSPITALITY – GUIDANCE

Why do we need a Register of Gifts and Hospitality?

Many Council employees have dealings with people outside the Council, particularly members of the public, suppliers, contractors and other private organisations.

It is essential that Council employees adhere to the overriding principle that they should not compromise their position as public service workers by accepting gifts and/or hospitality and allowing themselves to reach the position where they might be, or might be thought by others, to have been influenced in making an important decision as a consequence or might be open to allegations of corruption or acting improperly. As acceptance of gifts and hospitality could be seen to compromise an employee's personal judgment or integrity, it is important for the Council to have clear guidance governing this area.

General guidance on accepting gifts and hospitality

You should treat with extreme caution any offer of a gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

However, certain senior jobs, by their very nature require officers to accept gifts and hospitality. This would be where, for example, senior officers were acting in an authorised capacity representing the Council at an event. In such circumstances it is permissible to accept gifts and hospitality subject to registering these if their value is or is likely to be in excess of £25.00.

A helpful question in deciding whether any gift or hospitality should be accepted is whether a member of the public, knowing the facts, would think that you might be improperly influenced by the gift or hospitality.

If you have any doubts about any particular situation, you should always consult your Line Manager, Supervisor or the Monitoring Officer before accepting anything.

GIFTS

The general principle is that gifts offered should be refused.

However, when deciding whether or not to accept an offer of a gift, the context is very important. An offer from a company seeking to do business with the Council made to an employee involved in letting a contract is unlikely ever to be acceptable, regardless of the value of the gift. Further, money as payment for services provided whilst undertaking duties for the Council must never be accepted. (Receipt of money in such circumstances may be a criminal offence and will certainly result in disciplinary action. Tips should also be refused).

By contrast, a gift given at Christmas by a service user as a gesture of appreciation to an employee will generally be acceptable and could cause offence if returned. Further, it will usually be acceptable to receive promotional material of token value such as desk diaries, mouse mats, mugs, key rings, calendars or pens.

Registering Gifts

You are only required to formally register a gift if its value is £25.00 or more. However, before accepting any gifts even where their value is less than £25.00 you are advised to seek your Line Manager's or Supervisor's guidance on whether the gift should be accepted. If need be, your Line Manager or Supervisor will check the position with the Monitoring Officer.

In order to register a gift you must complete the form in Appendix A, ('Form OGH').

With the exception of employees at Head of Service level or above (see below), all employees must send the completed Form OGH to their Head of Service who will maintain a register in relation to employees below them.

All employees at Head of Service level or above must send the completed Form OGH to Democratic Services, where a register is held on behalf of the Monitoring Officer in relation to senior employees.

HOSPITALITY

Accepting hospitality

The general principle is that hospitality should ordinarily be refused other than on a modest scale.

Hospitality should generally only be accepted if there is a genuine need to impart information or represent the Council in the local community.

Examples of hospitality which can be accepted are:

- refreshments or a meal given during or at the conclusion of business
- an invitation to a Society or Institute dinner

Examples of hospitality which are not acceptable are:

- a holiday or business trip paid for by business contacts
- use of a company flat/hotel suite

In cases where accepting hospitality is appropriate, you must inform your Line Manager or Supervisor in advance in order to avoid any later misunderstanding. Further, when receiving authorised hospitality, you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

Offers of free hotel accommodation and tickets for concerts or sporting events should be treated with caution and accepted only when these are part of the life of the community or where the Council should be seen to be represented. However, if it is appropriate to accept these and if their value is or is likely to be in excess of £25.00, then, they will need to be declared. These will invariably be valued substantially in excess of £25.00 and you must record why such hospitality has been accepted.

Acceptance of hospitality through attendance at relevant conferences and courses will generally be acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc are required, you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

If in doubt, any offer of hospitality should be declined. When hospitality has to be declined, those making the offer should be courteously but firmly informed of this Council policy and the standards operating within the Council.

Registering Hospitality

All hospitality that is valued at £25.00 or more must be registered, together with the reason for accepting it by completing the form in Appendix A, ('Form OGH').

With the exception of employees at Head of Service level or above (see below), all employees must send the completed Form OGH to their Head of Service who will maintain a register in relation to employees below them.

All employees at Head of Service level or above must send the completed Form OGH to Democratic Services, where a register is held on behalf of the Monitoring Officer in relation to senior employees.

If you are concerned about a particular gift or offer of hospitality, you should obtain advice on the operation of this guidance from the Monitoring Officer, Francis Fernandes (ext 7334).

FORM OGH

Form for Registration of Gifts and Hospitality by Officers

N.B. ONLY COMPLETE THIS FORM IF THE VALUE OF GIFTS OR HOSPITALITY IS VALUED AT £25 OR MORE

<i>Please Complete</i>	
<ul style="list-style-type: none"> • Name of person who received the gift / hospitality or offer of gift / hospitality: • Department: 	
Gift or Hospitality?	GIFT HOSPITALITY
Description and estimated value (where known) of gift / hospitality:	
Name and address of person/ organisation that gave / offered the gift /hospitality:	
Reason for acceptance:	
Date on which gift or hospitality was received :	

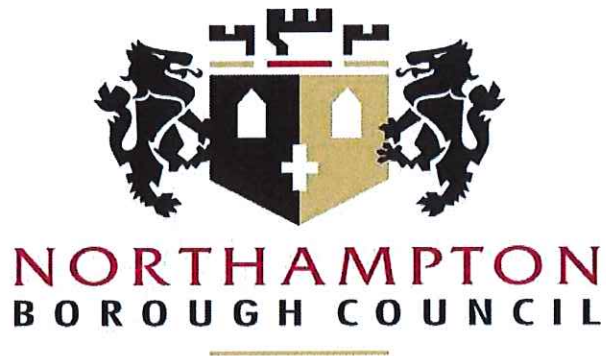
With the exception of employees at Head of Service level or above (see below), all employees must send the completed form by e-mail to their Head of Service who will maintain a register in relation to employees below them.

All employees at Head of Service level or above must send the completed form to Democratic Services by e-mail to Frazer McGown at interestsandgifts@northampton.gov.uk, who will maintain a register on behalf of the Monitoring Officer.

Date Form received by Head of Service / Democratic Services on behalf of Monitoring Officer (*Delete as appropriate*)

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SCHEDULE 2

REGISTER OF OFFICER INTERESTS

GUIDANCE

June 2010

GUIDANCE

REGISTER OF OFFICER INTERESTS

The following guidance notes are to assist officers who are required to complete the form entitled 'Declaration by an Officer of Financial and Other Personal Interests' ('Form ROI') which forms part of the Register of Officer Interests. These guidance notes are based on Standards for England guidance regarding Members' declarations of personal interests, where the interests that officers are asked to declare are the same as or similar to the interests Members are required to declare.

(1) Details of any employment or other work in addition to your employment with the Council

You should state any employment, office, trade, profession, business or activity that generates income. Employment can also cover voluntary work.

If you are employed by a company, give the name of the company paying your wages, not that of the ultimate holding company.

This paragraph does not cover unearned income (from property or investments) unless you play an active role in the management of those assets.

Lengthy or detailed descriptions are not required here as the purpose of the entry is to identify the interest. The job title will normally be sufficient to identify the nature of your employment. A brief description of the nature of a business will also be acceptable.

(2) Names of any businesses you own or which you have a share in, where that shareholding is greater than £25,000, or your stake is more than one hundredth of the value or share capital of the company

You should list the names of any companies or other bodies and in which you have a substantial interest. You need not show the extent of your interest.

What is meant by a shareholding greater than £25,000?

The value of your shareholding in a company refers to the total nominal value of the shares that you own.

What does nominal value mean?

The nominal value of a share usually means its face value ie. the value stated on the share certificate itself. (This contrasts with its market value, which can often be considerably more, but may be less).

A nominal value of more than £25,000 is set for the inclusion of shareholdings in the Register of Officer Interests. This is a relatively high threshold. Therefore if you hold a small number of shares in a large public company of the kind that results from a privatisation issue, or a building society becoming a company, you are unlikely to need to

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register them. However, please see the guidance below on the alternative criteria (ie. more than one hundredth of the share capital) which offsets this high threshold considerably.

What is meant by a stake of more than one hundredth of the value or share capital of the company?

The term 'share capital' refers to the nominal value of all the shares of the company that are in issue at any point in time. Therefore, if a company has issued 1000 £1 shares, it has a share capital of £1000 and you would therefore have a 1/100th stake of the share capital of the company if you owned 10 shares.

Therefore, comparatively modest shareholdings in smaller companies will be caught by this requirement.

What are securities?

Any other significant class of securities in relation to relevant businesses should also be listed under this heading. The term class of securities includes any instrument such as a stock, bond or option that indicates some form of ownership rights or creditor relationship with a particular body. (In practice, shares are the most commonly encountered form of securities).

What is meant by "beneficial interest"?

A beneficial interest is one where the owner of the interest is entitled to benefit from the asset concerned. Such an interest can arise directly through the legal ownership of an asset, or indirectly where you are the beneficiary of a trust.

- (3) **Description of any contracts for goods, services or works between:**
- **the Council and you;**
 - **the Council and any firm in which you are a partner; and**
 - **the Council and any business which you have an interest in as in paragraph (2) above**

How much detail is required by the description of "any contracts"?

Enough detail should be given to identify the contract, such as the date and a brief description of the goods, services or works being contracted for.

There is no requirement to state the value of the contract or its terms but you should state the duration of the contract.

- (4) **Address (or other description sufficient to identify the location) of any land or property in the Council's area in which you have a beneficial interest**

If you live in the Council's area, you should include your home under this heading if you are an owner, lessee or tenant.

Sufficient detail should be given to identify the land in question. An address and, where the address is not sufficient, a field number or map reference will usually meet the requirement. A plan identifying the land may be useful in some situations but is not a requirement.

- (5) **Address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is:**
- a firm in which you are a partner;
 - a company of which you are a remunerated director; or
 - a business which you have an interest in as in paragraph (2) above

Do you have to register the landholdings of your employers or bodies you have shareholdings in?

No. There is no requirement to list the landholdings of companies or corporate bodies included in the register. The only requirement is to register any **tenancy between such bodies and the Council**.

You are only expected to register those tenancies you ought reasonably to be aware of.

- (6) **I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power)**

What is meant by a “body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” is wide in scope and covers more than public authorities.

A function will usually be “of a public nature” where it is underpinned by statute or government. Although it is not possible to produce an exhaustive list of such bodies, here are some criteria to consider when deciding whether or not a body meets that definition:

- Does the body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function?
- Is the body (including one providing outsourced services in the private sector) exercising a function delegated to it by a public authority?
- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

Unless you can answer “yes” to one of the above questions, it is unlikely that the body is exercising functions of a public nature.

Examples of bodies included in this definition are:

- regional and local development agencies

- other government agencies
- other councils
- public health bodies
- council-owned companies exercising public functions
- arms length management organisations carrying out housing functions on behalf of a public authority
- school governing bodies

(7) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes.

What is meant by a “body directed to charitable purposes”?

The reference to a “body directed to charitable purposes” is intended to cover more than organisations that fall within the legal definition of a charity. Any organisation directed towards charitable purposes (as the term is commonly understood), to any significant degree, comes within the scope of these words. Therefore, membership of Rotary or Lions clubs are likely to require registration.

Is membership of the Freemasons included?

Some but not all Masonic organisations are registered charities with the Charity Commission. Membership of those that are registered clearly falls within the scope of this provision.

However, the reference to any body “directed to charitable purposes” also covers organisations not falling within the legal definition of a charity. Ultimately you must judge the matter for yourself, however, it seems that many Masonic organisations will fall within the scope of this provision. The United Grand Lodge of England describes Freemasonry as, “...the UK’s largest secular, fraternal and charitable organisation”.

(8) I am a member or hold a position of general control or management of the following body/ies, whose principal purposes include the influence of public opinion or policy

Is membership of religious organisations included?

Generally religious organisations will not fall within the scope of this paragraph.

The principal purpose of most religious organisations is to provide a focus for religious worship and the common life of the particular faith community that the organisation serves. The influence of public opinion is normally not a principal purpose.

Likewise, although a religion may encourage charitable virtues, this will not make it a body directed to charitable purposes. However, you should register your religious organisation if one of its principal purposes is to influence public opinion or policy. Similarly, it will need to be registered if it is a registered charity or directed to charitable purposes.

(9) I hold a position of general control or management of the following trade union(s) or professional association(s)

The following are examples of professional organisations:

- Royal Institute of Chartered Surveyors
- Institute of Chartered Accountants in England and Wales
- Chartered Institute of Public Finance and Accountancy
- The Law Society

Please note there is no need to declare membership of a trade union or professional association. You only need to declare an interest where you are in a position of general control or management.

(10) I hold a position of general control or management of the following body/ies

You should detail your membership of or position of general control or management of any body which you have not registered under any of the preceding paragraphs. (You should include brief details of what the nature of your involvement is eg. member or manager).

Please note that you only need to declare an interest where you are in a position of general control or management. There is no need to declare an interest simply because you are a member of a certain body.

(11) Relationships with Northampton Borough Councillors

If a Northampton Borough Councillor is a member of your family or a close associate, you should state that relationship here.

Who is classed as a "member of your family"?

A member of your family should be given a very wide meaning. It includes:

- a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity)
- a parent
- a parent-in-law
- a son or daughter
- a stepson or stepdaughter
- the child of a partner
- a brother or sister
- a brother or sister of your partner
- a grandparent
- a grandchild

- an uncle or aunt
- a nephew or niece
- the partners of any of the people above

In this context, a “member of your family” should be interpreted widely enough to cover anybody related to you by birth, marriage or civil partnership.

What is a “close associate”?

The term “close associate” should also be interpreted broadly.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time, who is more than an acquaintance.

A close associate may be a friend, a colleague, a business associate or someone with whom you know through general social contacts. A closer relationship is implied than mere acquaintance.

A level of relationship above and beyond that which usually exists between colleagues will be required to establish the existence of a close association.

If you have any queries about completing Form ROI, please consult the Monitoring Officer, Francis Fernandes, (ext: 7334, e-mail: ffernades@northampton.gov.uk).



REGISTER OF OFFICER INTERESTS

Name of Officer:

This form must be completed by the Chief Executive, and all Directors and Heads of Service within 28 days of appointment and thereafter at least annually.

Within 28 days of any change to your interests occurring, you must send an e-mail confirming the changes to the Democratic Services Manager, Frazer McGown at interestsandgifts@northampton.gov.uk

I certify that I have not:

- (1) omitted information that ought to be given on this register; or
- (2) provided information that is intentionally false or misleading

and I recognise that I am obliged to give further notices in order to:

- bring up to date information given in this notice; and
- declare an interest that I acquire after the date of this notice and am obliged to declare

within 28 days of any such change.

Signed:

Date:

Once completed, this form must be sent to the Monitoring Officer, **care of Frazer McGown**, Democratic Services Manager, the Guildhall in a sealed envelope marked 'Strictly Private and Confidential'.

Received by:

Date:

FORM ROI



Why have a Register of Officer Interests?

The Government has carried out a consultation exercise on codes of conduct for local government employees in relation to the White Paper, '*Communities in control: Real people, real power*'. One of the proposals made in the consultation document is the introduction of a requirement for certain senior employees to formally declare various types of personal interest to their employing authority.

The Government has not yet proceeded with the proposals made in the consultation document by implementing statutory provisions. However, as a matter of good practice, in the interests of transparency and the proper administration of public affairs, Northampton Borough Council (the 'Council') requires you to declare certain interests to the Monitoring Officer on this Register. This Register includes categories of interest that the consultation document proposed that senior officers be obliged to register.

The purpose of this Register of Officer Interests is to identify any interests you have which might conflict with the Council's interests. The types of interests that you are asked to register on this form are those which could potentially give rise to concerns of partiality in decision making and the working practices of the Council.

The Register of Officer Interests is held by the Monitoring Officer and will be treated as a confidential document.

If you have any queries about filling in this form, please ask your Line Manager or the Monitoring Officer (Francis Fernandes, extension: 7334) for guidance.

FORM ROI

Declaration by an Officer of Financial and Other Personal Interests

Please note that you must make a 'nil' return if you have no interests to declare

(1) Details of any employment or other work in addition to your employment with the Council

(If you are an employee, you should give the name of your employer below. Where you hold an office, please give below the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you).

(2) Names of any businesses you own or which you have a share in, where that shareholding is greater than £25,000, or your stake is more than one hundredth of the value or share capital of the company

(Please include any such interests that are held in the name of other people in which you have a beneficial interest, for example, shares that are held in the name of someone other than you as trustee on trust for your benefit).

(3) Description of any contracts for goods, services or works between:

- the Council and you;
- the Council and any firm in which you are a partner; and
- the Council and any business which you have an interest in as in paragraph (2) above

(Please note that your contract of employment with the Council does not need to be included).

- (4) **Address (or other description sufficient to identify the location) of any land or property in the Council's area in which you have a beneficial interest**
- (a) *You should include all land in the Council's area in which you have a beneficial interest, that is, in which you have some proprietary interest for your own benefit, for example land which you own or have a leasehold interest in.*
- (b) *You should also include any property in the Council's area from which you receive rent, or of which you are the mortgagee (lender).*
- (c) *"Land" includes any buildings or parts of buildings).*

- (5) **Address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is:**
- a firm in which you are a partner;
 - a company of which you are a remunerated director; or
 - a business which you have an interest in as in paragraph (2) above.
- (Please note that "land" includes any buildings or parts of buildings).*

- (6) **I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).**

- (7) **I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes.**

- (8) I am a member or hold a position of general control or management of the following body/ies, whose principal purposes include the influence of public opinion or policy

- (9) I hold a position of general control or management of the following trade union(s) or professional association(s)

- (10) I hold a position of general control or management of the following body/ies

- (11) Relationships with Northampton Borough Councillors



**NORTHAMPTON BOROUGH COUNCIL
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

<i>Topic Area</i>	<i>Rationale</i>	<i>Responsibility</i>	<i>Anticipated Meeting Date (s) of Standards Committee</i>
<i>Work Plan 2017/2018 for the Standards Committee</i> 65	To approve the Work Plan 2017/2018 for the Standards Committee	Standards Working Group The Standards Committee	March 2017
<i>Register of Interests and Gifts and Hospitality (Members and Officers)</i>	To consider and review the types of interests that Members and Officers are required to declare; the way such declarations are made and how they are monitored by the Standards Committee.	Standards Working Group The Standards Committee	June 2017
<i>Code of Conduct and arrangements for investigating alleged breaches</i>	To review and update, as necessary, the Code of Conduct and Arrangements for investigating alleged breaches	Standards Working Group The Standards Committee	September 2017

Agenda Item 9



**NORTHAMPTON BOROUGH COUNCIL
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

<i>Topic Area</i>	<i>Rationale</i>	<i>Responsibility</i>	<i>Anticipated meeting date (s)</i>
<i>Organisational Ethics and Culture</i>	To receive an update on the Organisational Change Programme and to comment and input into that Programme into Ethical Conduct Matters.	Standards Working Group The Standards Committee	As appropriate
<i>Parish Councillors and Independent Members</i>	To approve the process for the recruitment of Parish Council Members and Independent Members of the Standards Committee Involvement in the recruitment process as required.	The Standards Committee Standards Working Group	March 2017
	To approve the appointment of Parish Councillors and Independent Members to the Standards Committee	The Standards Committee	June 2017
<i>Training Strategy</i>	To develop and approve the Training Strategy for all Members of the Council in relation to ethical and governance matters and to include specific training for Members of the Standards Committee.	The Standards Committee Standards Working Group	March 2017



NORTHAMPTON
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**NORTHAMPTON BOROUGH COUNCIL
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

Topic Area	Rationale	Responsibility	Anticipated Meeting date (s)
Communications Strategy	To develop and approve a Communications Strategy to promote the work of the Standards Committee and the importance of ethical governance.	Standards Working Group The Standards Committee	September 2017
Whistleblowing Policy	To input into the refresh of the Council's Whistleblowing Policy and Procedure and its implementation.	The Standards Committee Standards Working Group	March 2017
CIPFA International Framework: Good Governance in the Public Sector	The Committee to receive briefings on the CIPFA International Framework: Good Governance in the Public Sector in so far as it relates to the work of the Standards Committee.	The Standards Committee	As required



NORTHAMPTON
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**NORTHAMPTON BOROUGH COUNCIL
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

Topic Area	Rationale	Responsibility	Anticipated Meeting date (s)
<i>Ethical and Governance Matters Training</i>	To receive a briefing on training that has taken place for all Members on ethical and governance matters	The Standards Committee	March 2018
<i>Annual Report of the Standards Committee</i>	To receive the Annual Report of the Standards Committee 2017/2018 to include update about delivery of the Work Plan and monitoring data	The Standards Committee	March 2018
<i>Work Plan 2018/2019 for the Standards Committee</i>	To approve the Work Plan 2018/2019 for the Standards Committee	Standards Working Group The Standards Committee	March 2018

NB: The approval of a Work Plan for the Standards Committee will not affect the responsibility or discretion of the Committee during the year, as the Committee can, at subsequent meetings, agree to update the Work Plan, if it is necessary to do so.